EASTERN DISTRICT OF TEXAS UNITED STATES DISTRICT COURT ERNEST LAROE MAY, 88888888888 Petitioner, CIVIL ACTION NO. 9:13-CV-10 versus DIRECTOR, TDCJ-CID, Respondent.

MEMORANDUM OPINION AND ORDER

Petitioner Ernest Laroe May, an inmate at the Jester III Unit, proceeding pro se, brought the above-styled petition for writ of habeas corpus. The court dismissed the petition on the merits with prejudice on March 15, 2016. Petitioner's appeal of the district court's judgment was dismissed on March 29, 2017.

Petitioner filed a motion to alter or amend judgment pursuant to Rule 59(e) on September 13, 2024. Petitioner's motion, filed more than eight years after the final judgment was entered, was denied on November 27, 2024. Pending before the court is petitioner's Motion for *De Novo* Hearing (#68). Interpreted liberally, petitioner's motion is construed as a motion for relief from judgment or order pursuant to FED. R. CIV. P. 60(b).

Rule 60(b), FED. R. CIV. P., provides in pertinent part:

On motion and just terms, the court may relieve a party or its legal representative from a final judgment, order, or proceeding for the following reasons: (1) mistake, inadvertence, surprise, or excusable neglect; (2) newly discovered evidence that, with reasonable diligence, could not have been discovered in time to move for a new trial under Rule 59(b); (3) fraud ..., misrepresentation, or misconduct by an opposing party; (4) the judgment is void; (5) the judgment has been satisfied, released, or discharged; it is based on an earlier judgment that has been reversed or vacated; or applying it prospectively is no longer equitable; or (6) any other reason that justifies relief.

Affording the motion due consideration under the liberal Rule 60(b), the court is of the opinion that the motion fails to set forth a meritorious ground warranting relief. Accordingly, petitioner's motion should be denied.

ORDER

For the reasons set forth above, petitioner's motion for relief from judgment or order should be denied. It is

ORDERED that petitioner's motion for relief from judgment or order (#68) is **DENIED**.

SIGNED at Beaumont, Texas, this 25th day of June, 2025.

Marcia A. Crone

MARCIA A. CRONE

UNITED STATES DISTRICT JUDGE